

U.S. Serial No. 10/798,549
Page 2

RECEIVED
CENTRAL FAX CENTER

NOV 14 2006

REMARKS

Objection to Oath

Applicants thank the Examiner for the courtesies extended during the course of the telephonic interview held on November 13, 2006. As a result of the discussion, the Examiner asserted that upon further examination of the submitted oath that the signature was in an appropriate block.

Restriction Requirement

The Examiner has required restriction among the following groups:

Group I, Claims 1-12, drawn to a method to make an isomalto-oligosaccharide grain composition, classified under Class 426, Subclass 28;

Group II, Claims 13-15, drawn to an isomalto-oligosaccharide grain composition, classified under Class 435, Subclass 95;

Group III, Claims 16-17; drawn to another composition comprising isomalto-oligosaccharide, classified under Class 435, Subclass 101,

Applicants hereby elect, with traverse, the invention in Group I, Claims 1-12, drawn to a method to make an isomalto-oligosaccharide grain composition.

Applicants traverse this restriction requirement and believe that a search and examination of the entire application can be made without serious burden to the Examiner, see MPEP sections 803 and 808.

The basis for traverse is that there would not be a serious burden on the examiner. Group I relates to a method for producing an isomalto-oligosaccharide grain composition, while Group II and III relates to an isomalto-oligosaccharide grain composition produced by the method. These two groups are very related because the an isomalto-oligosaccharide grain composition in Groups II and III is produced by the method of Group I. Withdrawal is respectfully requested.

Rejoining process claims under *In re Ochiai*

Applicants thank the Examiner for noting that after the elected product claims have been found allowable, all withdrawn product claims which depend from or otherwise include all of the limitations of the allowed claims should be rejoined. MPEP

U.S. Serial No. 10/798,549
Page 2

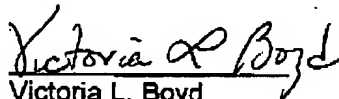
§821.04; page800-63, 8th Edition, August 2001; In re Ochiai, 37 USPQ2d 1127 (Fed. Cir. 1995); In re Brouwer, 37 USPQ2d 1663 (Fed Cir 1995); 1184 OG 86, 3/26/96.

Applicants note that the Groups encompassing withdrawn product claims which depend from or otherwise include all of the limitations of the allowed process claims include Claims 13-17.

Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected subject matter. Applicants have fully and completely responded to the Office Action and have made the required election. This application is now in order for early action.

Respectfully submitted,

Date: November 14, 2006


Victoria L. Boyd
Registration No. 43,510

Genencor International, Inc.
925 Page Mill Road
Palo Alto, CA 94304-1013
Tel: 650-846-7615
Fax: 650-845-6504

GC 791-3 RR